

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Sep 23, 2020

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

FRANCISCO HERNANDEZ-LOPEZ,

Defendant.

NO: 2:20-CR-93-RMP-1

ORDER GRANTING
GOVERNMENT'S MOTION TO
DISMISS PURSUANT TO FED. R.
CRIM. P. 48(A)

A pretrial conference was held in this matter on September 22, 2020.

Defendant Francisco Hernandez-Lopez, who is in custody of the U.S. Marshal, appeared via video conference and verbally consented to proceed with the hearing by video. Defendant was represented by Assistant Federal J. Houston Goddard, and was assisted by Court-certified Interpreter Bea Rump. The Government was represented by Assistant United States Attorney Earl Hicks. Mr. Goddard, Mr. Hicks, Ms. Rump, and the Court also participated by video conference.

Prior to the pretrial conference, Defendant moved to dismiss the Indictment with prejudice for constitutional deficiencies in the underlying removal, ECF No.

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TO FED. R. CRIM. P. 48(A) ~ 1

1 18. However, at the hearing, the Government represented that it would be filing a
2 Motion to Dismiss Defendant's indictment with prejudice pursuant to Fed. R.
3 Crim. P. 48(a) and the parties' agreement. Defendant does not object to the
4 Government's motion. The Government filed the Motion to Dismiss after the
5 hearing. ECF No. 21.

6 Accordingly, **IT IS HEREBY ORDERED:**

7 1. Defendant's Motion to Dismiss, **ECF No. 18**, is **DENIED AS**
8 **MOOT.**

9 2. The Government's Motion to Dismiss Pursuant to Rule 48(a), **ECF**
10 **No. 21**, is **GRANTED.**

11 3. The Indictment, ECF No. 2, is **dismissed with prejudice.**

12 4. All upcoming deadlines and hearings are **vacated.**

13 **IT IS SO ORDERED.** The District Court Clerk is directed to enter this Order
14 and provide copies to counsel.

15 **DATED** September 23, 2020.

16
17 *s/ Rosanna Malouf Peterson*
18 ROSANNA MALOUF PETERSON
19 United States District Judge
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